

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE ORDER NO. R9-2007-0206

An Order Rescinding Cease And Desist Order No. 98-39
for the County of San Diego
San Marcos Landfill
San Diego County

The California Regional water Quality Control Board, San Diego Region
(hereinafter Regional Board) finds that:

1. On May 13, 1998, this Regional Board adopted Cease and Desist Order (CDO) No. 98-39 for the County of San Diego (County), San Marcos Landfill, San Diego County requiring the County to correct deficiencies with the landfill cover in violation of Order No. 92-02, *Waste Discharge Requirements for the County of San Diego, San Marcos Landfill*. The CDO was subsequently amended in December 2001 establishing interim cover maintenance requirements and a deadline for the County to submit a Report of Waste Discharge describing the measures the County would take for final closure of the landfill and its post-closure maintenance.
2. The County has fulfilled the requirements specified in CDO No. 98-39 by submitting a complete Closure and Post-Closure Maintenance Plan in January 2002 and by completing all closure activities consistent with the Closure Plan at San Marcos Landfill in February 2006.
3. The County currently is in compliance with Order No. R9-2003-003, *Waste Discharge Requirements For Closure, Post-Closure Maintenance, And Monitoring Of The County Of San Diego, San Marcos Landfill* for the post-closure maintenance of the San Marcos Landfill.
4. This action involves the rescission of a Cease and Desist Order for a Landfill, where the Discharger has terminated the discharge of wastes, and has completed closure requirements in accordance with Waste Discharge Requirements Order No. R9-2003-003, and CCR Title 27, Section 21090(a). On July 17, 2002, the County of San Diego approved an Environmental Impact Report for the closure of the San Marcos Landfill in accordance with California Environmental Quality Act (Public Resources Code Section 21000 *et seq*). The project, as approved, will not have a significant impact on water quality. The project is exempt from CEQA because it can be seen with certainty that there is no reasonable possibility that the project will have a significant effect on the environment (CCR Title 14, Chapter 3, Article 19, Section 15061(b)(3).)

5. The Regional Board has notified the Discharger and all known interested parties of its intent to rescind Cease and Desist Order No. 98-39 for the San Marcos Landfill.
6. In a public hearing convened on December 12, 2007, the Regional Board heard and considered all public comments pertaining to the rescission of Cease and Desist Order No. 98-39.

IT IS HEREBY ORDERED that:

Cease and Desist Order No. 98-39 is hereby rescinded.

I, John H. Robertus, Regional Board, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on December 12, 2007.

JOHN H, ROBERTUS
Executive Officer